HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 4662 OF 2007

DATED: 08.3.2007

Between:

M/s.Sri Sulochana Traders and another

.Petitioners

and

The District Supply Officer, Sangareddy and others

…Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.4662 OF 2007

ORAL ORDER:

The two petitioners claim to be dealers. The Central Warehouse Godown at Siddipet was inspected by the Civil Supplies Enforcement Wing, on 20-02-2007 and 654 bags in all of red gram were found stored, belonging to the petitioners. On an allegation that the petitioners have without a licence purchased and stored scheduled commodities without a licence; in contravention of the AP Scheduled Commodities Control (Licensing and Distribution) Order 1982 ('the 982 Control Order'); and of the provisions of the Essential Commodities Act,1955, seized the stocks under separate mediators report recorded on 20-02-2007. No formal proceedings under Sec.6-A of the Act have yet been initiated against the petitioners to their knowledge.

While so the Joint Collector Medak at Sangareddy by orders dated.28-02-2007 (not filed in the writ petition but placed for the perusal of this Court today asserting that the proceedings were served on the petitioners only last evening) has, in purported exercise of power and authority under Sec.6.A(2) of the Act directed interim disposal of the seized commodities belonging to the petitioners even before an order of confiscation is passed after due process. The reasons recorded by the Joint Collector for this course of action is that " the seized stock is of perishable in nature".

The reason recorded by the Joint Collector for exercising the power under Sec.6-A(2) of the Act is perverse and is not shown to be otherwise by the learned Government Pleader for Civil Supplies. Sec.6-A(2) of the Act confers a controlled power as specified in the provision. The competent authority is required to form an opinion in accordance with the statutory limits to his jurisdiction. In total disregard of the statutory discipline, the Joint Collector, Medak at Sangareddy has passed a negligent order that the seized pulses are of perishable nature, which they are not.

For the aforesaid reasons; following the principles declared in the W.P.No.3761 of 2007, dated.27-02-2007; and for reasons alike the orders dated.28-02-2007 of the State of Andhra Pradesh represented by the Joint Collector, Medak are quashed insofar as they direct interim disposal of the scheduled commodities belonging to the petitioners seized on 20-02-2006 from the CWC godown, Siddipet. It is however open to the competent authority to pass fresh and reasoned orders, duly recording an opinion in due recognition and fidelity to the provisions of the Sec.6-A(2) of the Act. Till then the seized commodities shall not be disposed of by way of interim disposal orders.

The writ petition is disposed of as above at the stage of admission after hearing the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

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GODA RAGHURAM,J

8th MARCH,2007

***TSNR/PVSN**